

**76-6-102. Arson.**

(1) A person is guilty of arson if, under circumstances not amounting to aggravated arson, the person by means of fire or explosives unlawfully and intentionally damages:

- (a) any property with intention of defrauding an insurer; or
- (b) the property of another.

(2) A violation of Subsection (1)(a) is a second degree felony.

(3) A violation of Subsection (1)(b) is a second degree felony if:

(a) the damage caused is or exceeds \$5,000 in value;

(b) as a proximate result of the fire or explosion, any person not a participant in the offense suffers serious bodily injury as defined in Section 76-1-601;

(c) (i) the damage caused is or exceeds \$1,500 but is less than \$5,000 in value; and

(ii) at the time of the offense the actor has been previously convicted of a violation of this section or Section 76-6-103 regarding aggravated arson within 10 years prior to the commission of the violation of Subsection (1)(b).

(4) A violation of Subsection (1)(b) is a third degree felony if:

(a) the damage caused is or exceeds \$1,500 but is less than \$5,000 in value;

(b) as a proximate result of the fire or explosion, any person not a participant in the offense suffers substantial bodily injury as defined in Section 76-1-601;

(c) the fire or explosion endangers human life; or

(d) (i) the damage caused is or exceeds \$500 but is less than \$1,500 in value; and

(ii) at the time of the offense the actor has been previously convicted of a violation of this section or Section 76-6-103 regarding aggravated arson within 10 years prior to the commission of the violation of Subsection (1)(b).

(5) A violation of Subsection (1)(b) is a class A misdemeanor if the damage caused:

(a) is or exceeds \$500 but is less than \$1,500 in value; or

(b) (i) is less than \$500; and

(ii) at the time of the offense the actor has been previously convicted of a violation of this section or Section 76-6-103 regarding aggravated arson within 10 years prior to the commission of the violation of Subsection (1)(b).

(6) A violation of Subsection (1)(b) is a class B misdemeanor if the damage caused is less than \$500.

Amended by Chapter 272, 2013 General Session